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# THE ART OF NAILING JELL-O TO THE WALL: REASSESSING THE POLITICAL POWER OF THE INTERNET

*Bryan Druzin\* & Jessica Li\*\**

*Political observers commonly argue that, given the unique characteristics of the Internet, democratization is an inevitability of its widespread use. The critical role that social media played in the wave of demonstrations, protests, and revolutions that swept across the Arab world in 2011 cemented this perception in the minds of many. Yet China defies this simplistic paradigm—China has been stunningly successful at constraining the political power of its Internet. We argue that the political importance of Internet technology has been overstated, particularly with respect to China. As support for this thesis, we cite recent political events in Hong Kong known as the “Umbrella Revolution,” arguing that the failure of these protests to spark wider unrest in the remainder of China—or even among the greater Hong Kong population—belies the simplistic notion that the Internet is a technological blueprint for political transformation irrespective of a society’s particular socio-economic, political, and historical characteristics. The ability of the Internet to mobilize civil disobedience is extremely limited and easily contained but for circumstances where the population is already highly mobilized.*

*Prior to the Hong Kong protests, the international community had yet to witness a Chinese society boasting an advanced use of Internet technology engaging in large-scale public protest. As such, the protests provided an opportunity to test this Internet-*

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*democratization thesis in a Chinese context. We argue that the failure of the Hong Kong protests to galvanize wider dissent, even within this unique pocket of China afforded legal and technological advantages not available elsewhere in the country, suggests that different results should not be expected in the rest of China and that the popular Internet-democratization thesis is an unwarranted assumption. The thesis cannot be overgeneralized irrespective of cultural conditions. Some societies are very good at pacifying the democratizing potential of the Internet. The failure of the Hong Kong protests shows this.*

## INTRODUCTION

Controlling the information available to citizens is often vital to the preservation of political power, and is one of the essential means by which authoritarian governments have historically sustained political monopoly. Yet with the advent of the Internet, the world of communications has undergone a revolution, creating new possibilities that challenge government control over the flow of information and by extension over public opinion. In the early days of the Internet, the technology quickly emerged as a central component in liberal visions of democratization, taking on an almost mythical quality.<sup>1</sup> Many asserted that the Internet was

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<sup>1</sup> See generally CHRISTOPHER R. KEDZIE, COMMUNICATION AND DEMOCRACY: COINCIDENT REVOLUTIONS AND THE EMERGENT DICTATOR'S DILEMMA (1997) (finding that interconnectivity is a strong predictor of democracy). See also Christopher R. Kedzie, *A Brave New World or a New World Order?*, in CULTURE OF THE INTERNET 209–32 (Sara Kiesler ed., 1997) (examining the impact of Internet technology on political regimes and arguing such technology empowers citizens); Trevor Locke, *Participation, Inclusion, Exclusion and Netactivism: How the Internet Invents New Forms of Democratic Activity*, in DIGITAL DEMOCRACY: DISCOURSE AND DECISION MAKING IN THE INFORMATION AGE 211–21 (Barry N. Hague & Brian D. Loader eds., 1999) (arguing that the Internet empowers online activism); THOMAS L. FRIEDMAN, THE LEXUS AND THE OLIVE TREE: UNDERSTANDING GLOBALIZATION (2000) (famously arguing that the interconnected nature of globalization is inducing integration); GORDON C. CHANG, THE COMING COLLAPSE OF CHINA 90 (2001) (“The Internet is the force that will bring about change in the world’s most populous nation, for it is where all that is positive in China converges. The regime may patrol cyberspace, but it cannot help but be changed in the process.”); Paul Nixon & Hans Johansson, *Transparency Through Technology:*

uniquely immune to government control, and as such, would destroy hierarchical orders of authority, defy any restrictions placed on it, and unleash a free exchange of information and ideas worldwide.<sup>2</sup> In short, the Internet would precipitate the demise of the authoritarian state and democratize societies heretofore resistant to political change.<sup>3</sup> While some scholars now question the strength of this assumption, this vision of the Internet remains cemented in the minds of many.<sup>4</sup> The recent wave of

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*The Internet and Political Parties*, in DIGITAL DEMOCRACY: DISCOURSE AND DECISION MAKING IN THE INFORMATION AGE, 135–53 (Barry N. Hague & Brian D. Loader eds., 1999) (examining the political impact of Internet technology); Jianhai Bi, *The Internet Revolution in China: The Significance for Traditional Forms of Communist Control*, 56 INT'L J. 421–44 (2001) (drawing a link between internet growth and political liberalization). *But see* EVGENY MOROZOV, *THE NET DELUSION: THE DARK SIDE OF INTERNET FREEDOM* (2012) (arguing that the belief in the democratizing nature of the Internet lacks support); Tamara Renee Shie, *The Tangled Web: Does the Internet Offer Promise or Peril for the Chinese Communist Party?*, 13 J. CONTEMP. CHINA 523, 524 (2004) [hereinafter Shie, *The Tangled Web*] (debunking the idea that internet liberalization will inevitably lead to democratization in the case of China); DARIN BARNEY, *PROMETHEUS WIRED: THE HOPE FOR DEMOCRACY IN THE AGE OF NETWORK TECHNOLOGY* (2000) (challenging the Internet's ability to spark democratic transformation); MATTHEW HINDMAN, *THE MYTH OF DIGITAL DEMOCRACY* (2009) (arguing that the Internet, rather than broadening political discourse, in fact has empowered a small class of political elites).

<sup>2</sup> See *supra* note 1.

<sup>3</sup> See MOROZOV, *supra* note 1, at xii (arguing that this perception of the democratization power of the Internet stems largely from a selective and often incorrect reading of history, specifically the impact of interconnectivity and the collapse of the Soviet Union); see also Richard Barbrook & Andy Cameron, *The Californian Ideology*, 6 SCI. AS CULTURE 44 (1996) (arguing that the culture of Silicon Valley in the 1990s embraced an ideology of radical individualism, libertarianism, and neoliberal economics). For a recent analysis discussing the potential breakdown of cyber-censorship from a behavioral economics perspective, see Bryan Druzin & Jessica Li, *Censorship's Fragile Grip on the Internet: Can Online Speech be Controlled?*, 49 CORNELL INT'L L.J. (2016) (forthcoming) (arguing that the structural nature of the Internet renders cyber-censorship susceptible to sudden collapse).

<sup>4</sup> See, e.g., Guobin Yang, *The Internet as Cultural Form: Technology and the Human Condition in China*, 22 KNOWLEDGE TECH. & POL'Y 109, 109 (2009). These “assumptions of technological determinism” appear to have shifted from declaring that Internet technology was destined to stimulate democratization to arguing that this assumption is dead wrong. See *id.* In this

demonstrations, protests, and revolutions that swept across the Arab world, known as the Arab Spring, has reinforced this perception—what one scholar has termed *cyber utopianism*.<sup>5</sup> The Arab Spring engendered a widespread sense of inevitability that the democratizing properties of Internet technology would empower opposition movements in authoritarian and semi-authoritarian regimes.<sup>6</sup> The Internet—particularly the use of social media<sup>7</sup>—is now popularly portrayed as an unstoppable democratizing force for the world, the narrative being that the Internet gives voice to millions, and these voices, once raised in chorus, cannot then be silenced.<sup>8</sup>

Yet many scholars cannot help but note that China defies this simplistic paradigm.<sup>9</sup> Utopian talk of the democratizing force of

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article, we examine this assumption with respect to China in light of recent events in Hong Kong. The conclusion we draw places us squarely in the second camp.

<sup>5</sup> MOROZOV, *supra* note 1, at xiii–xvii. Cyber Utopianism is the notion that the Internet is innately emancipatory, its decentralized structure favoring the politically oppressed. Morozov contrasts this with what he calls “cyber-realism.” *Id.* at 319–20.

<sup>6</sup> *Id.* at 322 (“Western governments are also doubling their ‘Internet freedom’ efforts, especially after the Arab Spring. The Internet Freedom Agenda is alive and kicking . . .”). The toppling of the Egyptian regime of Hosni Mubarak in early 2011 has been described as the “Twitter Revolution” because of the use of Twitter, Facebook and other such Internet-based social media by protest groups in coordinating their opposition. See Ethan Zuckerman, *The First Twitter Revolution?*, FOREIGN POL’Y (Jan. 15, 2011), <http://foreignpolicy.com/2011/01/15/the-first-twitter-revolution-2/>; see also ASHU M. G. SOLO, HANDBOOK OF RESEARCH ON POLITICAL ACTIVISM IN THE INFORMATION AGE 305 (2014); YING JIANG, CYBER-NATIONALISM IN CHINA: CHALLENGING WESTERN MEDIA PORTRAYALS OF INTERNET CENSORSHIP IN CHINA 6 (2012); JOHN H. PARMELEE & SHANNON L. BICHARD, POLITICS AND THE TWITTER REVOLUTION: HOW TWEETS INFLUENCE THE RELATIONSHIP BETWEEN POLITICAL LEADERS AND THE PUBLIC 16 (2012).

<sup>7</sup> While we are concerned here with Internet technology at large, the discussion that follows focuses on the use of social media, as social media has proven itself as an especially effective instrument to mobilize civil disobedience. However, where the term “social media” is used, the reader may understand this to also refer to the Internet more generally. In many instances, the terms are used interchangeably.

<sup>8</sup> See JIANG, *supra* note 6, at 7.

<sup>9</sup> *Id.*

the Internet simply falls flat when the conversation turns to China. U.S. President Bill Clinton once confidently remarked that the Internet defies centralized control, comparing the attempt to constrain online discourse to trying to “nail Jell-O to the wall.”<sup>10</sup> It would seem, however, that China has mastered the art of Jell-O nailing. The notion that the decentralized nature of social media, once properly activated, acts as a conflagrating force for political transformation draws a great deal of validation from the events of the Arab Spring. Yet we must be careful not to overgeneralize this Internet-democratization thesis. It is naïve to suppose that this technology ensures the breaking down of information hierarchies or that it is somehow a shortcut to political transformation. This article argues that the protests calling for universal suffrage that erupted on the streets of Hong Kong in autumn 2014—referred to as the “Umbrella Revolution”—show the limits of social media in igniting political change, specifically in the case of China. Prior to the Hong Kong protests, the international community had yet to witness a Chinese society boasting an advanced use of Internet technology engaging in large-scale public protest. As such, the protests provided an opportunity to test the Internet-democratization thesis in a Chinese context.

We argue that the failure of these demonstrations to spark wider protests in the rest of China, or even among the greater Hong Kong population, greatly weakens the Internet-democratization thesis. Their failure to galvanize wider dissent, even within this unique pocket of China afforded legal and technological advantages not available elsewhere in the country, suggests that different results should not be expected in the rest of China. The Hong Kong protests show that the ability of the Internet to amplify social agitation and mobilize civil disobedience is extremely limited and easily contained but for circumstances where the population is *already* highly mobilized. This being the case, the value of the Internet-democratization thesis is very limited and we would do well to retire the idea.

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<sup>10</sup> William J. Clinton, President of the U.S., Remarks at the Paul H. Nitze School of Advanced International Studies (Mar. 8, 2000), in CLINTON’S FOREIGN POLICY: A DOCUMENTARY RECORD 194, 198 (Philip E. Auerswald et al. eds., 2003).

The political power of social media has been mischaracterized and its potency exaggerated. The notion that the Internet is an innately energizing political force is simply inaccurate. The failure of the Hong Kong protests to gain traction shows that the impact of Internet technology varies greatly across cultures and is not an instant recipe for political transformation. A more nuanced understanding that takes seriously the socio-political differences between societies is needed. While the Internet may provide a powerful forum for communication, collective mobilization requires a politically engaged population. In the case of China, this is not robustly present. The Chinese people appear far more concerned with achieving material prosperity than flirting with political dissent.<sup>11</sup> Moreover, the Chinese government has proven itself quite adept at maintaining this indifference. The success with which China has muted the transformative power of social media seriously challenges the viability of the Internet-democratization

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<sup>11</sup> This is particularly true among China's young Internet users. *See, e.g.,* HELEN SUN, *INTERNET POLICY IN CHINA: A FIELD STUDY OF INTERNET CAFES* 250 (2010) ("The attempts to control, along with the official culture and political atmosphere, seem to have produced political apathy among many Internet users, especially teenagers."); *see also* JIANG, *supra* note 6, at 112 (noting the younger generation's "political apathy" oddly coexisting with "passionate patriotism"); Yi Mou et al., *Predicting Political Discussion in a Censored Virtual Environment*, 28 POL. COMM. 341, 351 (2011) (noting the significant lack of political involvement among China's student population); FENGSHU LIU, *URBAN YOUTH IN CHINA: MODERNITY, THE INTERNET AND THE SELF* 53 (2011) (noting that urban Chinese youth are far less politicized than their counterparts in the late 1980s); David Barboza, *For Chinese, the Web is the Way to Entertainment*, N.Y. Times (Apr. 18, 2010), <http://www.nytimes.com/2010/04/19/technology/19chinaweb.html> ("[Y]oung people in China say they are excited about the Web not because it offers a means to rebellion, but because it gives them a wide variety of social and entertainment options."). This political indifference has also been noted among China's entrepreneurial class. *See* XIAOQIN GUO, *STATE AND SOCIETY IN CHINA'S DEMOCRATIC TRANSITION: CONFUCIANISM, LENINISM, AND ECONOMIC DEVELOPMENT* 134 (2003) ("[D]espite their significant role in shaping China's economy, Chinese private entrepreneurial groups have been inactive in the political process. The most notable indicator of their political passivity is that they were rarely seen during the Tiananmen events."). *But see* Zhong Yang & Hu Wei, *Mass Political Interest in Urban China: An Empirical Study*, CHINA: AN INT'L J., Dec. 2013, at 87, 87–91 (relying on empirical research of urban regions to argue that the perception that there are low levels of political interest among the Chinese is mistaken).

thesis. So long as a sufficient degree of political disinterest can be sustained, no amount of social media will generate large-scale civil disobedience. There simply is no tinder to be ignited. The failure of the Hong Kong protests to stimulate broader political unrest in China speaks to Beijing's success at blunting the political potential of its Internet and the weakness of the Internet-democratization thesis more generally.

We develop our argument in four parts. Part I examines the political power of the Internet and social media. Here we show that the information-sharing capability of Internet technology has provided fuel for democratization in many instances—most notably in the case of the Arab Spring. Part II explains how China defies this paradigm and describes the broader strategy China employs to pacify its Internet. Part III then discusses the critical role of political apathy in preventing the emergence of large-scale online activism. As support for our thesis, Part IV argues that the failure of the Hong Kong protests to spark broader social unrest in Hong Kong suggests that the ability of social media to ignite civil disobedience within Chinese society is far more limited than many believe.

## I. THE POLITICAL POWER OF SOCIAL MEDIA AND THE ARAB SPRING

After the collapse of the Soviet Union, the notion that the world was democratizing and that the West was destined to spearhead this democratization gained new life.<sup>12</sup> Scholars from Francis Fukuyama<sup>13</sup> to Samuel Huntington<sup>14</sup> and Theda Skocpol<sup>15</sup>

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<sup>12</sup> PETER J. MUNSON, *WAR, WELFARE & DEMOCRACY: RETHINKING AMERICA'S QUEST FOR THE END OF HISTORY* 11–12 (2013); *see also* Francis Fukuyama, *Liberal Democracy as a Global Phenomenon*, 24 PS: POL. SCI. & POL. 659, 659 (1991) (noting a global trend towards democracy).

<sup>13</sup> *See generally* FRANCIS FUKUYAMA, *THE END OF HISTORY AND THE LAST MAN* (1992) (arguing the existence of an end-point of humanity's socio-cultural evolution boasting a final form of human government).

<sup>14</sup> *See generally* SAMUEL P. HUNTINGTON, *THE CLASH OF CIVILIZATIONS AND THE REMAKING OF WORLD ORDER* (1996) (arguing that culture and religion would assume the mantle as a driving force for global conflict in the post-Cold War world).



supplied bold predictions and answers as to what the process of democratization would constitute and the form that it would likely take. Fukuyama famously proclaimed the “end of history,” anointing western-style democracy as the final form of government.<sup>16</sup> Others like Seymour Martin Lipset famously posited that certain social and economic conditions, such as economic wealth, a strong middle class, and capitalism, would eventually bring about democracy the world over.<sup>17</sup> This line of thought has continued well into the 21<sup>st</sup> century and the Internet has come to feature prominently in this liberalization story.

#### *A. The Liberalization Story Meets the Internet*

Many observers of nondemocratic regimes argue that the Internet has become a gateway for a more dynamic interplay between those opposed to the state, creating new opportunities for the revitalization of opposition movements.<sup>18</sup> In a time of instant communication, the compartmentalization of the world is gradually

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<sup>15</sup> See generally THEDA SKOCPOL, SOCIAL REVOLUTIONS IN THE MODERN WORLD (Peter Lange et al. eds., 1994) (examining the occurrence of revolutionary upheavals around the world).

<sup>16</sup> See generally FUKUYAMA, *supra* note 13 (arguing that western liberal democracy represents the endpoint of humanity’s sociocultural evolution and the apex of human government). For an earlier iteration of the thesis, see Francis Fukuyama, *The End of History?* NAT’L INTEREST, Summer 1989, at 3 (arguing that with the collapse of Communism, liberal democracy stood alone as the only form of government compatible with socio-economic modernity).

<sup>17</sup> Seymour Martin Lipset, *The Social Requisites of Democracy Revisited*, 59 AM. SOC. REV. 1, 3 (1994) [hereinafter Lipset, *The Social Requisites of Democracy Revisited*] (noting the conditions driving the global transition from authoritarian regimes to more pluralistic political systems); see also Robert J. Barro, *Determinants of Democracy*, 107 J. POL. ECON. 158 (1999) (examining the correlation between improvements in the standard of living and democratization); Barbara Wejnert, *Diffusion, Development, and Democracy, 1800–1999*, 70 AM. SOC. REV. 53 (2005) (critically examining development indicators as predictors of democracy); SEYMOUR MARTIN LIPSET & JASON M. LAKIN, *THE DEMOCRATIC CENTURY* (2004) (employing social, cultural, economic, and institutional analyses to explain the emergence of robust democracies in some countries and its failure to emerge in others).

<sup>18</sup> ZIXUE TAI, *THE INTERNET IN CHINA: CYBERSPACE AND CIVIL SOCIETY* 188 (2006).

dissolving, making it increasingly difficult for political elites to insulate their people from such change. The “information revolution that began after World War II with the proliferation of computers and advanced communications systems,” was quickly recognized by many as a “powerful and positive force for [global] change.”<sup>19</sup> The Internet has amplified this force a thousand-fold. Since its inception, the Internet has carried with it an antiauthoritarian feeling, and has been envisioned by social scientists, politicians and communication practitioners to be a potentially liberating and democratizing force in the world.<sup>20</sup> As part of a wave of new advances made in information technology, the Internet was regarded as a particularly potent instrument for the spread of pluralism and democracy in countries that place constrictions on political debate and participation.<sup>21</sup> The rapid and dramatic global expansion of information technology captured the imagination of scholars and led to predictions that the Internet would break down political control, usurping the tight-fisted reign of authoritarian rule.<sup>22</sup>

Central to the Internet’s ability to corrode the authority of the state is its ability to erode physical and political borders as information bits travel along fiber-optic cables and satellite bandwidths to reach millions around the world.<sup>23</sup> The open-ended, decentralized structure of this medium allows for the rapid dissemination of information not previously seen with other forms

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<sup>19</sup> LESLIE DAVID SIMON ET AL., *DEMOCRACY AND THE INTERNET* 3 (Leslie David Simon ed., 2002).

<sup>20</sup> Shie, *The Tangled Web*, *supra* note 1, at 524.

<sup>21</sup> INTERNET, GOVERNANCE AND DEMOCRACY: DEMOCRATIC TRANSITIONS FROM ASIAN AND EUROPEAN PERSPECTIVES 21 (Jens Hoff ed., 2006) [hereinafter INTERNET, GOVERNANCE AND DEMOCRACY].

<sup>22</sup> For a crisp overview of the evolution of this literature as it relates to China, see JIANG, *supra* note 6, at 5–8. The nature of the relationship between the Internet and democratization has been widely argued. While this literature is large, for recent book-length treatments see THE INTERNET DEMOCRACY AND DEMOCRATIZATION (Peter Ferdinand ed., 2013); SHANTHI KALATHIL & TAYLOR C. BOAS, OPEN NETWORKS, CLOSED REGIMES: THE IMPACT OF THE INTERNET ON AUTHORITARIAN RULE (2010); JOSEPH Y. S. CHENG, WHITHER CHINA’S DEMOCRACY? DEMOCRATIZATION IN CHINA SINCE THE TIANANMEN INCIDENT 177–214 (2011). See also *supra* note 1.

<sup>23</sup> SIMON ET AL., *supra* note 19, at 9.

of print and broadcast media.<sup>24</sup> The speed of the Internet's diffusion would seem to suggest a greater capability of the technology to elude central government control or at the very least, render it extremely difficult for states to restrain. With the world's information resources now readily within reach and with the ability to publish one's views now open to virtually anyone with a computer or hand-held device and an Internet connection, this powerful mode of expression promises to radically alter the political landscape of many societies.<sup>25</sup> But more than just unconstrained expression, the Internet provides the ideal venue for individuals with like views and interests to freely associate, share information, and jointly advance their agendas—political or otherwise.<sup>26</sup>

It is this democratizing characteristic of the Internet that poses the greatest challenge to dictatorial regimes, as the empowerment of citizens may bring about the slow erosion of authority. The nature of the Internet limits the ability of governments to regulate the activities in which citizens engage online.<sup>27</sup> As Lawrence Lessig explains: "Borders keep people in, and hence governments could regulate. Cyberspace undermines this balance . . . . The shift is away from the power of government to regulate, and toward the power of individuals to escape government regulation."<sup>28</sup> The Internet permits access to a vast array of information from global sources, increasing the ability of citizenry to bypass state-controlled media and to think outside the political parameters established by the government. The sheer breadth of information now available for online scrutiny is a haven of knowledge for a growing middle class. As those countries which insist on maintaining twentieth-century methods of conducting business will be doomed to failure, states will increasingly be forced to embrace the Internet as a basic component of a modern infrastructure. The necessity of Internet technology will therefore push governments into a state of political vulnerability as lines of communication and

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<sup>24</sup> INTERNET, GOVERNANCE AND DEMOCRACY, *supra* note 21, at 26.

<sup>25</sup> *Id.* at vii.

<sup>26</sup> *Id.* at 9.

<sup>27</sup> *Id.* at 10.

<sup>28</sup> LAWRENCE LESSIG, CODE AND OTHER LAWS OF CYBERSPACE 206–07 (1999).

information sharing between citizens previously unimaginable become fixtures of daily life. While the degree of interconnectivity now provided by Facebook alone was inconceivable two decades ago, heightened interconnection has now become a commonplace feature of modern life for a vast swath of humanity.<sup>29</sup>

### *B. The Arab Spring*

As indicated in our introduction, there is every reason to believe that this optimistic vision is true—that the Internet is indeed the vehicle for political change it has been widely hailed as. The last half-decade has provided several demonstrations of the transformational impact of the Internet upon the growth of opposition movements, and succor for those who herald the political power of social media.<sup>30</sup> In a technologically interdependent age, the Internet has forever altered the dynamics of dissent. Indeed, the power of social media to undermine authoritarian governments was dramatically showcased to the world by the events known as the Arab Spring. Beginning in January 2011, a sudden torrent of public protest swept across much of the Arab world, toppling long-ruling autocratic regimes in Tunisia, Egypt, and Libya, and sparking bloody demonstrations in Bahrain and Yemen.<sup>31</sup> Protests soon sprang up in Syria, dragging that country into a bloody civil war that continues to rage.<sup>32</sup> The use of social media, such as Twitter and Facebook, played a

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<sup>29</sup> The number of active users on Facebook (defined as those who log into the service at least once a month) now reaches a jaw-dropping 1.39 billion people. See Steve Rosenbush, *The Morning Download: Companies Using Big Data to Read Emotion*, WALL ST. J. (Jan. 29, 2015), <http://blogs.wsj.com/cio/2015/01/29/the-morning-download-companies-using-big-data-to-read-emotion/>.

<sup>30</sup> For an interesting counter-argument, see LESSIG, *supra* note 28, at 5–6 (arguing that the early decentralized, libertarian spirit of the Internet is transforming as the result of market influence).

<sup>31</sup> SEAN ADAY ET AL., U.S. INST. OF PEACE, *NEW MEDIA AND CONFLICT AFTER THE ARAB SPRING* 3 (2012), <http://www.usip.org/sites/default/files/PW80.pdf>.

<sup>32</sup> See generally, TOM COOPER, *SYRIAN CONFLAGRATION: THE SYRIAN CIVIL WAR 2011–2013* (2015).

decisive role in propelling these events forward.<sup>33</sup> The toppling of the regime of Hosni Mubarak in Egypt in early 2011 is now widely described as the “Twitter Revolution” because of the use of Twitter, Facebook, and other social media by protest groups to mobilize their opposition.<sup>34</sup> The protesters who organized in Tahrir Square in central Cairo maintained a strong online presence, using Facebook pages to coordinate their demonstrations.<sup>35</sup> Social media served as a key conduit of communication for the disaffected youth that rallied in great numbers against the Mubarak regime.<sup>36</sup> Protesters were able to “build extensive networks, create social capital, and organize political action.”<sup>37</sup> In many respects, the events of the Arab Spring confirmed the early predictions of political scientists who heralded the coming political impact of Internet-based technology. Indeed, their prognostications came to startling fruition in the heart of the Islamic world.

The events of the Arab Spring suggest that the revolutionary force of the Internet will inexorably force open political and social systems. Yet the truth, it seems, is far more nuanced. Indeed, more recent events in the Middle East demonstrate that the power of social media may be harnessed for decidedly nondemocratic ends. The Islamic State of Iraq and al-Sham (ISIS), also known as the Islamic State (IS) and the Islamic State of Iraq and the Levant (ISIL), is presently demonstrating remarkable technological savvy with its use of Internet platforms such as YouTube and other Internet-based media as a propaganda and recruiting tool targeting

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<sup>33</sup> For a thorough discussion of the role of social media during the Arab Spring, see MOHAMMAD-MUNIR ADI, *THE USAGE OF SOCIAL MEDIA IN THE ARAB SPRING: THE POTENTIAL OF MEDIA TO CHANGE POLITICAL LANDSCAPES THROUGHOUT THE MIDDLE EAST AND AFRICA* 23–28 (2014); Philip N. Howard & Muzammil M. Hussain, *Egypt and Tunisia: The Role of Digital Media, in LIBERATION TECHNOLOGY: SOCIAL MEDIA AND THE STRUGGLE FOR DEMOCRACY* 110, 110 (Larry Diamond & Marc F. Plattner eds., 2012).

<sup>34</sup> See *supra* note 7.

<sup>35</sup> See LYOMBE EKO, *NEW MEDIA, OLD REGIMES: CASE STUDIES IN COMPARATIVE COMMUNICATION LAW AND POLICY* 151 (2012).

<sup>36</sup> See *id.*

<sup>37</sup> PHILLIP N. HOWARD & MUZAMMIL M. HUSSAIN, *DEMOCRACY’S FOURTH WAVE?: DIGITAL MEDIA AND THE ARAB SPRING* 65–66 (2013).

disaffected Muslim youth across the world.<sup>38</sup> ISIS's use of social media undercuts the notion that the political power of Internet technology is destined to bring about a flowering of democratic freedom. Indeed, it has become disturbingly clear that social media may be used for ends of a decidedly nondemocratic nature.

One of the major deficiencies in past research is a tendency to make generalizations regarding the political impact of the Internet and social media based solely on the Internet's technical and architectural features, thereby abstracting and decontextualizing the technology from the national and political contexts in which it is employed. An examination of the experience of China shows that the technology does not produce uniform and undifferentiated effects across varying countries and contexts. Internet technology is not a blueprint for social change that can simply be grafted from one society to another irrespective of the socioeconomic and political differences that exist between disparate cultures. Indeed, the impact of the Internet does not hold equally across dissimilar regions and cultures. There is a real need, therefore, to understand the unique evolution of the Internet in the case of China.

## II. HOW CHINA CENSORS ITS INTERNET INTO SUBMISSION

With respect to China, there may appear at first blush support for this liberalization story. This was particularly true in the early days of China's Internet. It seemed as if a growing chat room culture and online news media offering less controlled news and commentary than state-controlled offline news outlets would spur the growth of independent public opinion in China. Many scholars argued that the globalization of the world's media industries, and the universal market logic according to which they operated, posed a unique challenge to China's national media system as the Internet stepped up the shift towards the marketization of the technology.<sup>39</sup>

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<sup>38</sup> See J.M. Berger, *The Evolution of Terrorist Propaganda: The Paris Attack and Social Media*, BROOKINGS INST. (Jan. 27, 2015), <http://www.brookings.edu/research/testimony/2015/01/27-terrorist-propaganda-social-media-berger>; Mia Bloom & John Horgan, *The Rise of the Child Terrorist: The Young Faces at the Frontlines*, FOREIGN AFF. (Feb. 9, 2015), <https://www.foreignaffairs.com/articles/middle-east/2015-02-09/rise-child-terrorist>.

<sup>39</sup> See, e.g., Bi, *supra* note 1, at 425–26.

The arrival of Internet services and online news providers created speculation that centralized control over the flow of information was fated to slowly erode.<sup>40</sup> Yet this Pollyannaish analysis turned out to be erroneous. China has been extremely successful at censoring its Internet into submission. If trying to control the Internet is truly comparable to trying to nail Jell-O to the wall, then China has mastered the art of ‘Jell-O nailing.’

If it was unclear in the early days of China’s Internet, there now remains little question that China holds a powerful leash on its Internet. The specific technological tactics essential to this feat—such as selectively blocking websites, using human monitors to scrutinize online content,<sup>41</sup> flagging search words, and funneling connections through a handful of state-run operators that act as digital arteries to the outside world that may be filtered<sup>42</sup>—are well known and need not be discussed here. While the technological tactics are of course critical to China’s ability to restrain its Internet, they are aimed at a much larger strategy. These tactics reflect China’s broader goal of minimizing large-scale political engagement in the form of collective protest—a feat China has, by and large, accomplished with great success.<sup>43</sup> What may come as a surprise to many is that Beijing’s censorial aspirations appear to be more limited than previously believed.<sup>44</sup> China’s aim is simply to diminish online discussion that may escalate into mass offline dissent. Political discussion of a more general and even

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<sup>40</sup> *See id.*

<sup>41</sup> U.S.-CHINA ECON. AND SECURITY REVIEW COMM’N, 111TH CONG., 2010 REPORT TO CONGRESS 232 (2010); *see also* Kentaro Toyama, *How Internet Censorship Actually Works in China*, ATLANTIC (Oct. 2, 2013), <http://www.theatlantic.com/china/archive/2013/10/how-internet-censorship-actually-works-in-china/280188/> (putting the number of human monitors as high as 50,000).

<sup>42</sup> U.S.-CHINA ECON. AND SECURITY REVIEW COMM’N, *supra* note 41, at 232. China’s Internet connects to the global Internet through a mere eight gateways. *See* OLEYSY TKACHEVA ET AL., NAT’L DEF. RESEARCH INST., INTERNET FREEDOM AND POLITICAL SPACE 96 (2013).

<sup>43</sup> *See generally*, Gary King et al., *How Censorship in China Allows Government Criticism but Silences Collective Expression*, 107 AM. POL. SCI. REV. 326, 328 (2013) (empirically analyzing patterns regarding the relationship between the content of an online post and the likelihood of censorship).

<sup>44</sup> *Id.*

antigovernmental nature is left relatively undisturbed.<sup>45</sup> As support for this claim, we rely upon recent empirical findings from a Harvard study conducted by Gary King, et al., which concludes that, contrary to popular assumptions, Chinese authorities are far more concerned with curtailing online discussion of the kind that may spur political mobilization than preventing open political discussion online.<sup>46</sup> We discuss the King study below; however, we need to first examine the current state of China's Internet, from both a technological and legal perspective.

### A. *The Current State of Things*

When Internet technology was first established in China in the 1990s, a mere 23,000 Chinese, most of whom were government officials and select academics, had access to the Internet.<sup>47</sup> Since then, the Internet has proliferated across the country. By 2008, the number of China's Internet users had risen to 253 million, approximately a fifth of the population.<sup>48</sup> At the end of 2013, the number of users in China stood at approximately 618 million.<sup>49</sup> This is an 8.5% increase from the previous year.<sup>50</sup> Nearly half of the entire country is now on the Internet (45.8%).<sup>51</sup> China's Ministry of Industry and Information Technology (MIIT) has projected domestic Internet usage to climb to 800 million by 2015,

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<sup>45</sup> *Id.*

<sup>46</sup> *Id.*

<sup>47</sup> Ronald J. Deibert, *Dark Guests and Great Firewalls: The Internet and Chinese Security Policy*, 58 J. SOC. ISSUES 143, 146 (2002).

<sup>48</sup> See HONG XUE, CYBER LAW IN CHINA 16 (2010); *Population*, WORLD BANK, <http://data.worldbank.org/indicator/SP.POP.TOTL?page=1> (last visited Sept. 30, 2015).

<sup>49</sup> CHINA INTERNET NETWORK INFO. CTR., 33RD STATISTICAL REPORT ON INTERNET DEVELOPMENT IN CHINA (2014), <http://www1.cnnic.cn/IDR/ReportDownloads/201404/U020140417607531610855.pdf>; MICHELLE W. LAU, CONG. RESEARCH SERV., INTERNET DEVELOPMENT AND INFORMATION CONTROL IN THE PEOPLE'S REPUBLIC OF CHINA (2005), <http://www.cfr.org/internet-policy/crs-report-internet-development-information-control-peoples-republic-china/p9844>.

<sup>50</sup> CNNIC Released the 33rd Statistical Report on Internet Development in China, CHINA INTERNET NET. INFO. CTR. (Jan. 17, 2014, 4:05 PM), [http://www1.cnnic.cn/AU/MediaC/rdxw/hotnews/201401/t20140117\\_43849.htm](http://www1.cnnic.cn/AU/MediaC/rdxw/hotnews/201401/t20140117_43849.htm).

<sup>51</sup> *Id.*



a figure that would represent approximately 57% of the total population.<sup>52</sup> This is a truly staggering statistic considering that much of China's population is rural and poor, making it seemingly difficult for those portions of the population to gain Internet access.<sup>53</sup> Advancing Internet technology, growing connectivity, new telecommunication devices such as smartphones and other electronic devices, along with ever higher literacy rates have lent new momentum to people-to-people communications in China. These statistics are mind boggling: by 2015, the majority of the Chinese population will arguably enjoy a degree of connectivity comparable to as if they were living on the same city block. Within such a technological framework, the prospect for mass social change may appear inevitable. However, while all the basic characteristics of the Internet appear to add up to a strong democratic bias, Beijing has been extraordinarily successful at achieving the formidable task of reaping the benefits of the Internet while blunting its political impact.

### *B. The Critical Role of Law*

While China employs a broad range of technological strategies to regulate its Internet, the primary weapon in Beijing's arsenal is law. Without such extensive regulatory scaffolding in place, authorities would not be in a position to deploy any of this technological prowess. To that end, China has skillfully erected a legal framework that prevents the medium from straying into impermissible territory. When the Internet was first introduced into China in 1993,<sup>54</sup> China's online landscape was bound by few rules

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<sup>52</sup> Xinhua, *Chinese Internet Users to Hit 800m by 2015*, CHINA DAILY (May 5, 2012, 4:57 PM), [http://www.chinadaily.com.cn/china/2012-05/04/content\\_15214336.htm](http://www.chinadaily.com.cn/china/2012-05/04/content_15214336.htm).

<sup>53</sup> A large part of this growth will be fueled by the increasing use of mobile devices with Internet access. The projected total number of 3G subscribers by 2015 exceeds 450 million. *Id.*

<sup>54</sup> Tamara Renee Shie, *The Internet and Single-Party Rule in China*, in *DEBATING POLITICAL REFORM IN CHINA: RULE OF LAW VS. DEMOCRATIZATION* 218 (Suisheng Zhao ed., 2006) [hereinafter Shie, *The Internet and Single-Party Rule*].

and regulations.<sup>55</sup> However, once the number of users began to climb, authorities quickly realized the Internet's vast potential and sought to rein in the new medium. Much of the concern surrounding the use of the Internet was the exposure of citizens to online content potentially subversive and damaging to the State.<sup>56</sup> Given that the State has long had restrictions on the spread of material related to pornography, gambling, and anything deemed "counterrevolutionary," regulatory precedent was already in place for authorities to tighten their control over the new technology. As such, it did not take long for China to construct a legal framework to control its Internet. National security and stability, the preservation of moral and ethical standards, along with the need to punish violators of the law have constituted some of the stronger arguments in favor of strictly regulating the Internet.<sup>57</sup>

China's first Internet laws were enacted as early as 1994, and additional regulations soon followed.<sup>58</sup> Most notable is the "Provisional Directive on the Management of International Connections by Computer Information Networks in the PRC" (the "Directive"), which was signed into effect in 1996 and conferred sweeping authority on the central government to regulate the country's Internet.<sup>59</sup> Since then, additional regulations have been instituted, with some "explicitly exert[ing] the state's control" over online activities.<sup>60</sup> Of particular note here is Article 15 of the Directive, the "Measures for the Administration of Internet Information Services," which lists illegal online content.<sup>61</sup> Such content includes, but is not limited to, information which stands at

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<sup>55</sup> *Id.* at 220.

<sup>56</sup> See King, *supra* note 43, at 327–28.

<sup>57</sup> INTERNET, GOVERNANCE AND DEMOCRACY, *supra* note 21, at 53.

<sup>58</sup> ZIXUE TAI, THE INTERNET IN CHINA: CYBERSPACE AND CIVIL SOCIETY 133 (2013).

<sup>59</sup> For an overview of these regulatory powers, see MILTON MUELLER & ZIXIANG TAN, CHINA IN THE INFORMATION AGE: TELECOMMUNICATIONS AND THE DILEMMAS OF REFORM 91–92 (1997).

<sup>60</sup> Shie, *The Tangled Web*, *supra* note 1, at 532.

<sup>61</sup> Hùliánwǎng xīnxī fǔwù guǎnlǐ bànfǎ [Measures for the Administration of Internet Information Services] (promulgated by the Ministry of Info. Indus., State Council, Sept. 25, 2000, effective Sept. 25, 2000), art 15 (China), [http://www.china.org.cn/business/2010-01/20/content\\_19274704.htm](http://www.china.org.cn/business/2010-01/20/content_19274704.htm).

variance with basic constitutional principles, “endangers national security, divulges state secrets, subverts the government, . . . undermines national unification, . . . is detrimental to the honor and interests of the state, . . . undermines the state’s policy for religions, or . . . preaches evil cults or feudalistic and superstitious beliefs.”<sup>62</sup> Much of the vagueness of these measures has been made more specific; however, key provisions remain ambiguous.<sup>63</sup> For example, what qualifies as “information which endangers national security” remains unclear.

Such a sweeping legal framework may give the impression that Chinese cyberspace is a sterile desert of tightly regulated speech where political discussion critical of the State is immediately suppressed. While this is a widespread perception, it is incorrect. The immense size of Chinese cyberspace—its users now numbering over a half billion people<sup>64</sup>—renders such an approach exceedingly difficult if not logistically impossible. Contrary to popular depictions of Chinese cyberspace as a bleak and apolitical landscape, political discussion frequently emerges on China’s Internet.<sup>65</sup> If this seems opposed to the state’s interests, it is not. The Chinese government permits “a broad range of expression, including criticism of government policies, and recognize[s] that in a media environment as large and complex as China’s, it has to pick its battles.”<sup>66</sup> It appears that the goal is not to curtail all forms of political speech on the Internet, but rather to minimize certain forms of online speech.<sup>67</sup> Let us now examine the skill with which China implements this strategy.

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<sup>62</sup> Shie, *The Internet and Single-Party Rule*, *supra* note 54, at 222.

<sup>63</sup> *Id.*

<sup>64</sup> CNNIC Released the 33rd Statistical Report on Internet Development in China, CNNIC (Jan. 17, 2014), [http://www1.cnnic.cn/AU/MediaC/rdxw/hotnews/201401/t20140117\\_43849.htm](http://www1.cnnic.cn/AU/MediaC/rdxw/hotnews/201401/t20140117_43849.htm).

<sup>65</sup> See King, *supra* note 43, at 339; CHINA ONLINE: LOCATING SOCIETY IN ONLINE SPACES 147–48 (Peter Marolt & David Kurt Herold eds., 2014) (observing the various ways online discussion often involves political undertones or evolves into one of a political character).

<sup>66</sup> JOEL SIMON, THE NEW CENSORSHIP: INSIDE THE GLOBAL BATTLE FOR MEDIA FREEDOM 97 (2014).

<sup>67</sup> This finds empirical support in the study outlined below. See King, *supra* note 43, at 326.

C. *Political Speech versus Collective-Action Speech*

Despite popular misconceptions, Chinese authorities do not completely censor online discussion critical of the government—a healthy degree of criticism is in fact quite prevalent and even scathing criticism of the government is, for the most part, not censored.<sup>68</sup> Harvard scholar Gary King and his colleagues analyzed the content of millions of Chinese social media posts before Chinese authorities discovered, evaluated, and censored those they deemed objectionable. The researchers then observed which posts were censored. The research concluded that the goal of the Chinese leadership is actually not “to suppress dissent, [or] to prune human expression that finds fault with elements of the Chinese state, its policies, or its leaders.”<sup>69</sup> Rather, the research suggests that China is primarily concerned with online discussion that may produce public protests or other forms of collective action.<sup>70</sup>

This second form of online discourse can be understood as *collective-action speech* in contrast to the first kind, which may be termed *political speech*. With respect to collective-action speech, “the target of censorship is people who join together to express themselves collectively, stimulated by someone other than the government, and seem to have the potential to generate collective action.”<sup>71</sup> The goal is to “forestall collective activities that are occurring now or may occur in the future.”<sup>72</sup> Collective mobilization of this nature is understandably threatening to the Chinese government in that such discourse may be a source of factionalism, a potential antecedent to social instability.<sup>73</sup> As such,

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<sup>68</sup> *Id.*

<sup>69</sup> *Id.* at 327. The study divided content into five distinct categories: “(1) collective action potential, (2) criticism of the censors, (3) pornography, (4) government policies, and (5) other news.” *Id.* at 331. Postings related to categories 1, 2, and 3 received the most scrutiny. *Id.* at 333.

<sup>70</sup> *Id.* at 326. The study also found that, alongside collective-action speech, censors consistently targeted pornography and overt criticism of online censorship. *Id.* at 333.

<sup>71</sup> *Id.* at 328.

<sup>72</sup> *Id.* at 326.

<sup>73</sup> *See id.* at 327.

collective-action speech is far more pernicious than political speech. The King study found that scathing censure of the government does not appear to increase the likelihood of censorship.<sup>74</sup> Rather, “collective expression—many people communicating on social media on the same subject—regarding actual collective action, such as protests, as well as those about events that seem likely to generate collective action but have not yet done so, are likely to be censored.”<sup>75</sup> Indeed, “[c]ontrary to previous understandings, posts with negative, even vitriolic, criticism of the state, its leaders, and its policies are not more likely to be censored.”<sup>76</sup> The program is far more targeted: “[T]he censorship program is aimed at curtailing collective action by silencing comments that represent, reinforce, or spur social mobilization, regardless of content.”<sup>77</sup> Indeed, the study found that *any* posts that have collective action potential have a decidedly higher chance of being censored—this is true even for posts that were supportive of the government.<sup>78</sup>

The study indicates that authorities see collective mobilization of any sort as a threat. Looking bad does not matter so long as authorities minimize “collective action potential—where a locus of power and control, other than the government, influences the behaviours of masses of Chinese people.”<sup>79</sup> These findings explain the breadth of online criticism of government policies—such criticism does represent a direct threat to social stability. The chief goal of the Chinese government, it appears, is merely to sustain a sufficient degree of political disinterest among its people. To this end, online speech of a political nature is relatively benign; however, online speech that encourages collective political mobilization—collective-action speech—is not.<sup>80</sup> In that collective mobilization orchestrated by a non-governmental actor can stimulate political engagement, collective-action speech represents

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<sup>74</sup> *Id.* at 326.

<sup>75</sup> *Id.* at 327.

<sup>76</sup> *Id.* at 326.

<sup>77</sup> *Id.*

<sup>78</sup> *Id.* at 337.

<sup>79</sup> *Id.* at 339.

<sup>80</sup> *Id.*

a greater threat than mere political speech and is therefore taken much more seriously by the authorities.<sup>81</sup>

China's cyberspace is no stranger to intense political dialogue. There are many examples from the early days of China's Internet of widespread discussions of contentious issues occurring in an unpredictable and uncontrolled manner. For example, the bombing of the Chinese embassy in Belgrade, Yugoslavia in 1999 and the April 2001 incident involving a collision between a Chinese fighter aircraft and an American military plane generated a torrent of online debate.<sup>82</sup> A more recent example is the anti-Japanese protests that erupted in autumn 2012 when Japan nationalized part of the Diaoyu islands (the Senkaku Islands) claimed by China.<sup>83</sup> While there is now an impressive degree of frank discussion of major events on China's Internet,<sup>84</sup> attempts to categorize such discussion as being collective-action speech is difficult. Such discussion is not geared towards collective mobilization. The conversation in fact often strikes a distinctly nationalist tone. Random events will occasionally invoke an outpouring of patriotic fervor and anti-Western opinion. For example, in the spring of 2005, during the fallout in relations between China and Japan concerning Japan's alleged rewriting of its wartime atrocities in history textbooks, the Strong Nation Forum (a bulletin board on the website of the People's Daily, an official newspaper of the Communist Party) welcomed a deluge of anti-Japanese postings.<sup>85</sup> If China's overarching goal is to maintain political stability, it makes perfect sense to broaden the ambit of acceptable discourse in order to stave off a massive blowout of pent-up public frustration that may prove highly destabilizing.

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<sup>81</sup> *Id.*

<sup>82</sup> See Eric Harwit & Duncan Clark, *Shaping the Internet in China: Evolution of Political Control Over Network Infrastructure and Content*, 41 ASIAN SURV. 377, 405 (2001).

<sup>83</sup> See *Harbin Museum to Korean Who Shot Japanese PM Symbolises Divisions*, S. CHINA MORNING POST (Feb. 4, 2014), <http://www.scmp.com/news/asia/article/1420918/harbin-museum-korean-who-shot-japanese-pm-symbolises-divisions>.

<sup>84</sup> See LIU XIAOBO, NO ENEMIES, NO HATRED 216 (Perry Link et al. eds., 2012).

<sup>85</sup> Lau, *supra* note 49, at 3.

This is perhaps best explained through analogy. A common technique to prevent forest fires is to engage in what is known as “controlled burning.” Controlled burning is the practice of strategically setting fire to specific woodland areas in order to consume fuel buildup to decrease the likelihood of more serious fires.<sup>86</sup> This is a good metaphor for China’s relationship with its Internet. That China is now employing this strategy online should not be that surprising given that this characterizes the behavior of authorities offline: small-scale public protests, where they do flare up, are largely tolerated.<sup>87</sup> Empirical work on this shows that toleration—monitoring the protest but refraining from using force—is by far the most common response by authorities.<sup>88</sup> This toleration is highly strategic in that public discontent may be exhausted in a relatively controlled manner. In this way, more serious “fires” of dissent that may manifest in the form of collective mobilization are skillfully averted. In essence, the Internet is used as a tool to conduct the controlled burning of civic discontent. By tolerating a high degree of online discussion, the state is realistic about the fact that citizens in a country that is bursting with economic growth will acquire and deliberate new ideas, and will need to voice their dissatisfaction.<sup>89</sup> These efforts are aimed at one larger goal—sustaining a general level of political disengagement among the Chinese people. This is a crucial point to which we now turn.

### III. A GENTLE EQUILIBRIUM OF POLITICAL DISENGAGEMENT

What China has accomplished is nothing short of astounding. Authorities have successfully developed the nation’s Internet,

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<sup>86</sup> See Veena Joshi, *Biomass Burning in India*, in GLOBAL BIOMASS BURNING: ATMOSPHERIC, CLIMATIC, AND BIOSPHERIC IMPLICATIONS 188 (Joel S. Levine ed., 1991).

<sup>87</sup> See YANQI TONG & SHAOHUA LEI, *SOCIAL PROTEST IN CONTEMPORARY CHINA, 2003–2010: TRANSITIONAL PAIN AND REGIME LEGITIMACY* 186 (2013).

<sup>88</sup> This is followed by the granting of concessions, and then more forceful responses used only rarely. *Id.* at 186–87.

<sup>89</sup> See generally GUOBIN YANG, *THE POWER OF THE INTERNET IN CHINA* (2009) (showing that the Internet constitutes an important channel through which social issues are voiced and discussed).

reaping the economic and infrastructural benefits this entails, while sustaining a gentle equilibrium of *political disengagement*. We define political disengagement not as the absence of online discussion of a political nature, but as the absence of a politically energized population willing to collectively agitate for sweeping political transformation. Indeed, the first may be present while the second totally absent. While online political discussion may exist, even in a widespread manner,<sup>90</sup> genuine political engagement is largely absent among the Chinese population.<sup>91</sup> A general mood of political disinterest among the majority of the Chinese population dominates.<sup>92</sup> So long as this is present, no amount of online activism can ever produce large-scale civil disobedience.

The colossal size of China's Internet renders any top-down attempts at control ineffective but for an undercurrent of deep political disengagement within Chinese society. As such, the overarching concern of China is simply to sustain political disengagement among its people—something that it seems to have achieved with remarkable success. A fire requires fuel and there appears to be an absence of such fuel in China. There is a tendency of analysts to paint the Chinese people as closeted revolutionaries awaiting the opportunity to rise up in rebellion against their government. This portrayal of Chinese society is inaccurate and considerably naïve. Even where there arises online political discussion of a highly critical nature, this seldom takes the form of agitation for wholesale political transformation.<sup>93</sup> Citizens intermittently demand a remedying of specific policies with a goal of achieving greater social or economic fairness—demonstrations of this nature are not infrequent and have a long tradition in China.<sup>94</sup> However—and this is an important point—this still very

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<sup>90</sup> See Mou et al., *supra* note 11, at 83.

<sup>91</sup> See FUKUYAMA, *supra* note 13 (noting Chinese youths' political disengagement).

<sup>92</sup> *Id.*

<sup>93</sup> See generally Elizabeth J. Perry, *Popular Protest: Playing by the Rules*, in CHINA TODAY, CHINA TOMORROW: DOMESTIC POLITICS, ECONOMY, AND SOCIETY 11, 12 (Joseph Fewsmith ed., 2010).

<sup>94</sup> See generally Xi Chen, SOCIAL PROTEST AND CONTENTIOUS AUTHORITARIANISM IN CHINA 3–4 (2012).



much occurs within the existing political framework.<sup>95</sup> The goal of such demonstrations is not sweeping political transformation.<sup>96</sup> Even where highly vocal, protesters “usually go to great lengths to demonstrate their loyalty to central policies and leaders.”<sup>97</sup> Ultimately, characterizing public discontent where it does emerge as a hunger for sweeping political change is misleading.<sup>98</sup> Across the broad face of Chinese society, the population remains largely politically disengaged—a characteristic that appears to be especially common among the nation’s youth.<sup>99</sup>

### A. Political Disengagement

An atmosphere of political disengagement permeates a great deal of modern Chinese society. This characteristic appears especially salient among China’s youth who, crucially, represent the majority of the country’s Internet users.<sup>100</sup> Among this demographic there appears to be a deep sense of political inertia seamlessly coexisting with a general mood of fervent patriotism.<sup>101</sup> The bulk of Chinese netizens are not going online to forcefully rally for political change, “make political statements[,] or to fight

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<sup>95</sup> *Id.* at 5.

<sup>96</sup> See Perry, *supra* note 93, at 24.

<sup>97</sup> *Id.* at 13. Of course, this demonstration of loyalty may in many cases be less than sincere.

<sup>98</sup> Moreover, the Chinese government has not sat idly by and ignored public opinion. In recent years the Chinese government has responded with alacrity to such sentiment. Of particular note is Beijing’s crackdown on corruption among public officials. This is evident in a recent investigation of sixteen senior People’s Liberation Army officials for corruption. See *China Media: Military Corruption*, BBC NEWS (Jan. 16, 2015), <http://www.bbc.com/news/world-asia-china-30844254>.

<sup>99</sup> See FUKUYAMA, *supra* note 13.

<sup>100</sup> See Gareth Collins, *China’s Millennials Are Online, but Apathetic*, MIC (Sept. 18, 2011), <http://mic.com/articles/1704/china-s-millennials-are-online-but-apatetic>; see also David Kurt Herold, *Noise, Spectacle, Politics: Carnival in Chinese Cyberspace*, in *ONLINE SOCIETY IN CHINA: CREATING, CELEBRATING, AND INSTRUMENTALISING THE ONLINE CARNIVAL 4* (David Kurt Herold & Peter Marlot eds., 2011).

<sup>101</sup> JIANG, *supra* note 6, at 112.

for their rights.”<sup>102</sup> Chinese youth “are excited about the Web not because it offers a means to rebellion, but because it gives them a wide variety of social and entertainment options.”<sup>103</sup> A series of relatively recent nationwide surveys show that more than 50% of Chinese Internet users do not post their opinions online at all.<sup>104</sup> Contrary to early predictions, a robust civil society fuelled by the Internet has not emerged in China. The specific brand of civil society envisioned here is not the form that political scientist Robert Putnam posits where civic engagement may include a range of innocuous social activities including professional societies, sports clubs and recreational organizations.<sup>105</sup> These of course exist.<sup>106</sup> Nor is it, as one legal scholar defines it, “non-governmental advocacy organizations, humanitarian service organizations, unions, religious groups, civic and neighborhood associations, political and social movements, information and news media, educational associations, and certain forms of economic organization.”<sup>107</sup> The engagement of citizens in loosely-based organizations is not taken to be an indication of a vigorous civil society. This paper hews to a far more parsimonious definition: we are primarily concerned with and define “civil society” as the collection of activities that can be identified as strong agitation against the state and government actions. This we termed political

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<sup>102</sup> David Kurt Herold, *Users, Not Netizens: Spaces and Practices on the Chinese Internet*, in CHINA ONLINE: LOCATING SOCIETY IN ONLINE SPACES, *supra* note 60, at 23.

<sup>103</sup> See Barboza, *supra* note 11.

<sup>104</sup> F. Shen et al., *Online Network Size, Efficacy, and Opinion Expression: Assessing the Impacts of Internet Use in China*, 21 INT’L J. PUB. OPINION RES. 451, 461 (2009).

<sup>105</sup> See Robert D Putnam, *Bowling Alone: America’s Declining Social Capital*, 6 J. DEMOCRACY 65, 68 (1995).

<sup>106</sup> See generally ONLINE SOCIETY IN CHINA: CREATING, CELEBRATING, AND INSTRUMENTALISING THE ONLINE CARNIVAL (David Kurt Herold & Peter Marlot eds., 2011) (detailing online efforts to promote the conservation of the cultural heritage of Beijing). See also Barboza, *supra* note 11 (noting the informal communities of Chinese youth who voluntarily produce Chinese subtitles for popular American television series released on the Internet).

<sup>107</sup> Julie Mertus, *From Legal Transplants to Transformative Justice: Human Rights and the Promise of Transnational Civil Society*, 14 AM. U. INT’L L. REV. 1335, 1338 (2011).

engagement. In the case of China, a society lacking robust democratic traditions and accustomed to decades of political abstemiousness, the inherently global structure of the Internet clearly has not eroded the enduring authority of the nation state.

Many Internet users in fact seem quite comfortable having their online activity regulated. Among the urban youth there is robust support for government control over the Internet.<sup>108</sup> A 2007 survey revealed that over 80% of respondents felt that online activity should be controlled and almost 85% cited the government as the appropriate institution to oversee this.<sup>109</sup> This same survey indicated that the percentage of users who felt that online content of a decidedly political nature should be controlled rose from 8% in 2005 to 41%.<sup>110</sup> It is unclear what the response rate would be if the same survey were carried out today; however, it should be noted that the trend in 2007 was steeply upwards. Moreover, those who may benefit the most from counter-hegemonic uses of the Internet, such as farmers' groups and the peasantry, are precisely those who are relatively deprived of online access.<sup>111</sup> Internet diffusion in rural regions remains relatively low<sup>112</sup> and the vast majority of those with access are of middle to upper-class and well-educated—precisely the people who are most likely to align themselves with the government's efforts at maintaining economic growth and avoiding social instability that may threaten this progress.

*B. There Can Be No Fire Where There Is No Fuel*

The mere existence of the Internet and the greater availability of information have not prompted the average Chinese citizen to engage in heated political discourse of a type that may serve as a catalyst for large-scale collective mobilization. It does not appear that China's vast ocean of Internet users are applying their online

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<sup>108</sup> LIU, *supra* note 11, at 53.

<sup>109</sup> *See id.*

<sup>110</sup> *Id.*

<sup>111</sup> *See* XUE, *supra* note 48, § 24, at 17.

<sup>112</sup> *See* LIU, *supra* note 11, at 52.

networking skills for political engagement.<sup>113</sup> The supposition that many are in fact even interested in political engagement of this sort would be a stretch, as most users are driven online for entertainment purposes, to socialize, or gather information and access educational services.<sup>114</sup> While chat groups provide in theory an opportunity for the congregation of like-minded individuals, in practice, conversations are typically parochial and bland with people sharing information on personal matters, travels, and family, and contain little debate of current events or political issues.<sup>115</sup> Such political disengagement inhibits the transformative potential of Internet technology. China serves as a potent example of a government that has effectively contained the political power of Internet technology. As a result, the majority of Chinese appear politically disengaged.<sup>116</sup> Although some may remain ignorant of the true extent of the state's manipulation of online content, it would be more accurate to say that the vast majority simply does not care. If the concept of civil society consists of basic elements such as individuals who enjoy political autonomy, engage in organized activities, and belong to a public sphere that is politically energized, such characteristics have not manifested in current Chinese society.<sup>117</sup> There is a lack of evidence that the existence of the Internet is in any way spurring political activism of a hard line antigovernment character. There is talk instead of a qualified form of online activism.<sup>118</sup> This mostly takes the form of a cooperative model where political change is pursued by submitting ideas for reform-minded leaders rather than taking the turbulent road of dissent.<sup>119</sup>

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<sup>113</sup> See SUN, *supra* note 11, at 250.

<sup>114</sup> *Id.*

<sup>115</sup> See Harwit & Clark, *supra* note 82, at 404.

<sup>116</sup> See *supra* note 11.

<sup>117</sup> See Guobin Yang, *The Internet and Civil Society in China: A Preliminary Assessment*, 12 J. CONTEMP. CHINA 453, 455–56 (2003).

<sup>118</sup> See, e.g., YONGNIAN ZHENG, *TECHNOLOGICAL EMPOWERMENT: THE INTERNET, STATE, AND SOCIETY IN CHINA* (2008) (discussing the Internet's facilitation of political liberalization and democratization, civic engagement, and collective political action in China).

<sup>119</sup> See *id.* at 164–65 (discussing how media communities affect state-society relations through information technology); see also Rebecca

The case of China has turned the liberalization story on its head. Rather than outright content restriction, Chinese authorities seem to have adopted a far more sophisticated model for monitoring online content. The approach, as Clay Shirky explains, “has evolved from a relatively simple filter of incoming Internet traffic in the mid-1990s . . . . Because its goal is to prevent information from having politically synchronizing effects, the state does not need to censor the Internet comprehensively.”<sup>120</sup> This is a far more nuanced approach. Even the most interactive technology holds no value if users possess little political motivation to employ the technology towards such ends. A weak civil society in the brick and mortar world will inevitably obstruct the emergence of an online civil society—and this is precisely what has occurred in China. Internet technology has not led to the rise of a robust civil society online.

### C. *Balancing Internet Growth and Internet Control*

The assumption that political liberalization necessarily accompanies economic liberalization noted earlier is incorrect.<sup>121</sup>

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MacKinnon, *China's “Networked Authoritarianism,”* in WILL CHINA DEMOCRATIZE? 256, 259 (Andrew J. Nathan et al. eds., 2013) (“Voice activism helps reduce political risks to reformist officials, who can point to online sentiment and argue that without action or policy change there will be more unrest and public unhappiness.”).

<sup>120</sup> Clay Shirky, *The Political Power of Social Media: Technology, the Public Sphere, and Political Change*, 90 FOREIGN AFF. 28, 39 (2011).

<sup>121</sup> The view that market prosperity stimulates democratization is widely known as the *Lipset hypothesis* in political science literature. Indeed, Seymour Martin Lipset's thesis, first proposed in 1959, remains one of the most influential articles in the literature on the causal relationship between economic development and democracy and spawned a prolific literature. See generally Seymour Martin Lipset, *Some Social Requisites of Democracy: Economic Development and Political Legitimacy*, 53 AM. POL. SCI. REV. 69 (1959). Statistical studies support the Lipset hypothesis. See, e.g., ADAM PRZEWORSKI ET AL., *DEMOCRACY AND DEVELOPMENT: POLITICAL INSTITUTIONS AND WELL-BEING IN THE WORLD, 1950–1990* (2000). However, many scholars challenge this assumption. See, e.g., GUILLERMO A. O'DONNELL, *MODERNIZATION AND BUREAUCRATIC-AUTHORITARIANISM: STUDIES IN SOUTH AMERICAN POLITICS* (1973) (arguing that once a certain level of economic development is attained, further development produced not democracy but dictatorship in the case of

The error of this belief is only underscored by the consumerist, entertainment-driven character of China's Internet and its failure to fuel the political liberalization once envisioned by scholars.<sup>122</sup> The case of China shows us that "the Internet can be a tool both for democratization and its containment."<sup>123</sup> Beginning in 1979 with the leadership of Deng Xiaoping, China has pursued the

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Latin America); Dankwart A. Rustow, *Transitions to Democracy: Toward a Dynamic Model*, 2 COMP. POL. 337, 350–60 (1970) (arguing that all that was needed was a sense of national unity and some kind of elite commitment to a democratic transition). The case of China contradicts the Lipset thesis, something that many scholars have noted. See, e.g., MARY ELIZABETH GALLAGHER, *CONTAGIOUS CAPITALISM: GLOBALIZATION AND THE POLITICS OF LABOR IN CHINA* (2011) (looking at the effect of foreign direct investment in China and challenging the assumption that there is a causal relationship between economic liberalization and democratization); Timothy Cheek & Juan D. Lindau, *Market Liberalization and Democratization: The Case for Comparative Contextual Analysis*, in *MARKET ECONOMICS & POLITICAL CHANGE: COMPARING CHINA AND MEXICO* 3, 6 (Juan D. Lindau & Timothy Cheek eds., 1998) (arguing that the assumption that market liberalization promotes democracy is empirically uncertain and methodologically flawed). But some China watchers still herald that democracy will follow the rise of a robust middleclass. See, e.g., JAMES MANN, *THE CHINA FANTASY: WHY CAPITALISM WILL NOT BRING DEMOCRACY TO CHINA* (2007). Arguably, some of the popularity of the thesis may be attributed to the support it provides for the global expansion of capitalism witnessed throughout the 20<sup>th</sup> century and continuing today. The notion that capitalism and democracy are inextricably linked provides a great deal of theoretical cover for those who may have pecuniary interests in penetrating the markets of politically illiberal societies. In fact, quite an opposite claim could be made, one that at least seems ostensibly supported by the case of China: with rising prosperity comes rising levels of political indifference.

<sup>122</sup> For early scholars in this vein, see, e.g., RUTH CHERRINGTON, *CHINA'S STUDENTS: THE STRUGGLE FOR DEMOCRACY* (1991); Stanley Rosen, *Youth and Social Change in the PRC*, in *TWO SOCIETIES IN OPPOSITION: THE REPUBLIC OF CHINA AND THE PEOPLE'S REPUBLIC OF CHINA AFTER FORTY YEARS* 288 (Ramon H. Myers ed., 1991) (discussing youth reform calling for a dismantling of outdated policies); Yan Sun, *The Chinese Protests of 1989: The Issue of Corruption*, 31 ASIAN SURV. 762, 763–64 (1991) (discussing student political reform). But see MANN, *supra* note 121 (arguing that economic development will not necessarily bring political liberalization). For the idea not specifically in relation to China, see Lipset, *The Social Requisites of Democracy Revisited*, *supra* note 17, at 2–3.

<sup>123</sup> JIANG, *supra* note 6, at 8.

modernization of both the industrial and technology sectors of the economy, hoping to extricate the country from the isolation and economic autarky characteristic of the Maoist period.<sup>124</sup> As it became apparent that the development of the telecommunications sector would be vital to the economy and by extension, the stability of social order, Chinese officials wholeheartedly embraced information technology, making it a cornerstone of their modernization schemes.<sup>125</sup> China seems to be under no illusions regarding the necessity of sustaining economic growth in order to maintain political continuity and that key to this is fostering the growth of the Internet.<sup>126</sup> Chinese leaders understood early on that the Internet was vital to economic growth, and adopted policies to contribute to that growth,<sup>127</sup> including investments in the country's academic and research network and the introduction of private competition into telecommunications.<sup>128</sup> However, they were extraordinarily vigilant as to the potential of the Internet for the growth of civil society in the country.<sup>129</sup> At the same time that China actively promoted Internet development as part of its pursuit of economic growth and modernization, authorities realized that the medium presented a potential challenge to government control over information flows.<sup>130</sup> The government's answer was to enact the extensive regulations to stem any potential political impact and successfully stymie liberalization.<sup>131</sup>

As China demonstrates, the mere existence of technologies such as the Internet has little to no relevance for

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<sup>124</sup> Robert F. Dernberger, *The Drive for Economic Modernization and Growth: Performance and Trends, in CHINA IN THE ERA OF DENG XIAOPING: A DECADE OF REFORM* 155 (Michael Ying-Mao Kau et al. eds., 1993).

<sup>125</sup> MacKinnon, *supra* note 119, at 261.

<sup>126</sup> *Id.*

<sup>127</sup> CHENG, *supra* note 22, at 181.

<sup>128</sup> Won-bong Lee, The Internet Policy of China 2, *in EMBEDDED AND MULTIMEDIA COMPUTING TECHNOLOGY AND SERVICE* 649 (James J. Park et al. eds., 2012).

<sup>129</sup> SIMON ET AL., *supra* note 19, at 15.

<sup>130</sup> NINA HACHIGIAN & LILY WU, *THE INFORMATION REVOLUTION IN ASIA* 59 (2003).

<sup>131</sup> JIANG, *supra* note 6, at 94.

democratization.<sup>132</sup> The purely technical characteristic of the medium along with its democratic potential cannot be divorced from the sociopolitical factors that drive uses of such technologies in specific ways and contexts. There remains little question that the model of Internet democratization that so exhilarated theorists at the close of the 20th century cannot be applied to China. Indeed, developments in China's Internet landscape belie the forgivably naïve notion that the Internet eludes central control. China has managed to stay ahead of the game by utilizing legislative and administrative savvy to meet the nation's need for Internet use while maintaining a considerable degree of influence over its content. If there is an inherent contradiction to the approach of concurrently promoting and controlling the Internet, it is one that China appears to have mastered.<sup>133</sup> Indeed, China has struck a pitch-perfect balance between Internet growth and Internet control.

#### IV. WHAT THE FAILURE OF HONG KONG'S "UMBRELLA REVOLUTION" SHOWS US

The protests calling for universal suffrage that erupted on the streets of Hong Kong in autumn 2014 further support the notion that China has effectively constrained the democratizing power of its Internet.<sup>134</sup> The "Umbrella Revolution" ultimately failed to spark wider protests in the rest of China—or even among the greater Hong Kong population—despite the fact that Hong Kong has unique legal and technological advantages not seen elsewhere in China. It is therefore unlikely that similar protests could galvanize support in regions of China that are not so advanced. Prior to the Hong Kong protests, the international community had

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<sup>132</sup> *Id.* at 3–4.

<sup>133</sup> WENFANG TANG, PUBLIC OPINION AND POLITICAL CHANGE IN CHINA 98 (2005).

<sup>134</sup> See Jonathan Kaiman, *Hong Kong's Umbrella Revolution - The Guardian Briefing*, GUARDIAN (Sept. 30, 2014), <http://www.theguardian.com/world/2014/sep/30/-sp-hong-kong-umbrella-revolution-pro-democracy-protests>. This section partially draws from a think piece by the authors on Hong Kong's "Umbrella Revolution." See Bryan Druzin & Jessica Li, *Myth Meets Reality: Civil Disobedience in the Age of the Internet*, 55 VA. J. INT'L L. DIG. 30 (2015). The present article represents a much larger companion piece to that short essay.



yet to witness a Chinese society boasting an advanced use of Internet technology and social media engaging in large-scale public protest. As such, the protests provided a unique opportunity to test the popular meme that Internet technology, once properly activated, is a force for political transformation. The Hong Kong protests were a test of this supposition—one that failed. While the case of Hong Kong may be distinguished from that of greater China, the events of autumn 2014 provide the clearest indication to date that the transformative power of the Internet, particularly with regard to China, has been overstated.

*A. The Hong Kong Protests: A “Perfect Storm” That Never Came*

We should be cautious to not exaggerate the political impact of social media and the Internet with respect to China. We cannot simply graft assumptions gleaned from other political events (i.e., the Arab Spring) onto the case of China, oblivious to the unique circumstances in which China finds itself. Societies differ, and often quite dramatically. The protests in Hong Kong presented an opportunity to test the power of social media in a distinctly Chinese context. The Hong Kong protests were an ideal case study in that the protests possessed all the constituents of a perfect storm. Unlike the rest of China, there is no regulation constraining Hong Kong’s Internet beyond a limited number of laws that criminalize the distribution of pirated materials, child pornography, and obscene images.<sup>135</sup> Freedom of expression in all its forms—speech, print, cyberspace—is well-entrenched both legally as well as socially and finds protection under the *Hong Kong Bill of Rights*.<sup>136</sup> In addition to the lack of legal restraints, Hong Kong possesses an assembly of conditions that, at least on paper, render it highly predisposed to the energizing effects of social media. To this point, a comparison with the Arab Spring is extremely informative. While the conditions of the Arab Spring gave rise to

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<sup>135</sup> See Control of Obscene and Indecent Articles Ordinance, (2003) Cap. 390, 4, § 8 (H.K.); Copyright Ordinance, (2007) Cap. 528, 9, § 22 (H.K.).

<sup>136</sup> Hong Kong Bill of Rights Ordinance, (1997) Cap. 383, 7, § 8(16) (H.K.).

sweeping political change, Hong Kong's "Umbrella Revolution" petered out despite the massive advantages these protesters had over their Arab Spring counterparts. Indeed, these advantages were many.

First and foremost, the Hong Kong protesters enjoyed a substantial technological advantage over protesters in the Middle East. In 2013, Internet penetration in Hong Kong was an impressive 74.2%.<sup>137</sup> In 2010, at the height of the Arab Spring, Internet penetration in Tunisia, Egypt, and Libya stood at 36.8%, 21.6%, and 14%, respectively.<sup>138</sup> In Iran, during the 2009 protests, access to the Internet was just 13.8%.<sup>139</sup> In addition, smartphone penetration in the Asia Pacific region has experienced exponential growth in recent years, with smartphone ownership in Hong Kong being amongst the highest in the world at 87%.<sup>140</sup> Moreover, with the Hong Kong protests being largely youth driven, its main players were intimately familiar and comfortable with the use of social media, and exploited those tools at their disposal to their full advantage. This should come as little surprise considering that Hong Kong ranks as the seventh most tech-savvy city in the world.<sup>141</sup> Additionally, innovations in social media have surged in recent years and with them the ability for rapid communication and group coordination. Demonstrators in Hong Kong mastered the use of Twitter and Facebook along with newer messaging technologies such as WhatsApp and WeChat.<sup>142</sup> A recent and crucial addition to social network technology, FireChat, requires neither cell reception nor the Internet for communications between users. Instead, it relies on the principle of *mesh networking*, enabling cellphones,

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<sup>137</sup> *Internet Users (Per 100 People)*, WORLD BANK, <http://data.worldbank.org/indicator/IT.NET.USER.P2> (last visited Sept. 30, 2015).

<sup>138</sup> *Id.*

<sup>139</sup> *Id.*

<sup>140</sup> *The Asian Mobile Consumer Decoded*, NIELSEN (Jan. 14, 2014), <http://www.nielsen.com/ph/en/insights/news/2014/asian-mobile-consumers.html> (tied with Singapore).

<sup>141</sup> ERICSSON, NETWORKED SOCIETY CITY INDEX 2013, at 17 (2012), <http://www.ericsson.com/res/docs/2013/ns-city-index-report-2013.pdf>.

<sup>142</sup> Josh Noble, *Hong Kong: One Country, Two Media Systems*, FIN. TIMES (Oct. 5, 2014, 10:14 AM), <http://www.ft.com/cms/s/0/3068da36-4c60-11e4-a0d7-00144feab7de.html#axzz3R3ebM3mu>.

where they are packed densely together, to communicate via Wi-Fi signals and Bluetooth, with each mobile phone acting as an additional node increasing the cellular network.<sup>143</sup> During the height of the protests, the FireChat app was downloaded close to a half a million times in a single week in Hong Kong.<sup>144</sup> Finally, Hong Kong enjoys some distinct geographic advantages. Hong Kong has a population of over seven million and an area of just over 1000 square miles.<sup>145</sup> The city's population is among the densest in the world and the journey on the city's metro system from end to end takes merely an hour. The lack of any real logistical impediments to transporting and mobilizing demonstrators suggests that virtually all those who sincerely yearned to participate in the demonstrations *were able to do so*.

### *B. Reassessing the Political Power of the Internet in a Chinese Context*

The failure of the protests in Hong Kong to galvanize greater civil disobedience forces us to re-evaluate the much-lauded political power of the Internet, particularly with respect to China. At the height of the protests, the participants numbered in the tens of thousands, a significant turnout, but only a small percentage of the city's population of seven million.<sup>146</sup> If Hong Kong's "Umbrella Revolution" could not sustain its momentum given all

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<sup>143</sup> Archie Bland, *FireChat – The Messaging App That's Powering the Hong Kong Protests*, GUARDIAN (Sept. 29, 2014), <http://www.theguardian.com/world/2014/sep/29/firechat-messaging-app-powering-hong-kong-protests>; Patrick Boehler, 'Off-the-Grid' Messaging Application FireChat Continues to Ride Occupy Boost, S. CHINA MORNING POST (Oct. 7, 2014), <http://www.scmp.com/news/hong-kong/article/1611322/grid-messaging-application-firechat-continues-ride-occupy-boost>.

<sup>144</sup> Boehler, *supra* note 143.

<sup>145</sup> *Population*, H.K. CENSUS AND STATISTICS DEP'T (Sept. 17, 2015), <http://www.censtatd.gov.hk/hkstat/sub/so20.jsp>; *World Factbook: East & Southeast Asia*, CENT. INTELLIGENCE AGENCY, <https://www.cia.gov/library/publications/the-world-factbook/geos/hk.html> (last visited Sept. 30, 2015).

<sup>146</sup> *Population*, *supra* note 145; see Ilaria Maria Sala & Tania Branigan, *Last of Hong Kong Protesters Arrested Amid Police Clearance*, GUARDIAN (Dec. 11, 2014), <http://www.theguardian.com/world/2014/dec/11/hong-kong-protesters-brace-arrests-police-clearance>.

the legal and technological advantages at its disposal, how then can different results be expected in greater China laboring under far less favorable conditions? Compared with the rest of China, Hong Kong had all the constituents of a perfect storm. The current level of Internet penetration in Hong Kong (74.2%) is far higher than that of China (45.8%).<sup>147</sup> Even smartphone penetration in Hong Kong (87%) significantly exceeds the rest of China (71%).<sup>148</sup> In the case of Hong Kong, there were clear grievances around which the population could rally, grievances made well known to the public through the unrestricted censure of its media. Hong Kong is a Chinese city that operates under no legal or technological constraints on its Internet, has a tradition of political engagement, and benefits from a highly educated and politically informed population.

Yet, despite all of these advantages, the protests failed to truly take hold. The clouds of the perfect storm scattered swiftly. The mood of the city quickly became one of fatigue, with many eager to simply see a return to normalcy. As the protests dragged on much of the initial support for the protesters waned.<sup>149</sup> As such, the Hong Kong protests tell us something unmistakable about the potential of social media to achieve political change in a Chinese context. In the wake of the Arab Spring, the political potency of social media has, it seems, been greatly exaggerated. The Chinese story is very different than the one that unfolded in the heart of the Islamic world five years ago. Hong Kong's "Umbrella Revolution" testifies to the fact that even savvy use of the Internet by a sophisticated subsection of the citizenry committed to amplifying their voice by no means assures an escalation of political unrest.<sup>150</sup> The purely technical characteristic of the medium cannot be divorced from the historical and socioeconomic factors that drive the use of such technologies in specific ways and contexts. The broad array of conditions that fuelled the Arab Spring were clearly

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<sup>147</sup> See *Internet Users (Per 100 People)*, *supra* note 137.

<sup>148</sup> See *The Asian Mobile Consumer Decoded*, NIELSEN: INSIGHTS (Jan. 14, 2014), <http://www.nielsen.com/ph/en/insights/news/2014/asian-mobile-consumers.html>. Hong Kong ties Singapore in smartphone penetration. *Id.*

<sup>149</sup> See *Hong Kong Protests: Arrests as Admiralty Site Is Cleared*, BBC NEWS (Dec. 11, 2014), <http://www.bbc.com/news/world-asia-china-30426346>.

<sup>150</sup> JIANG, *supra* note 6, at 3–5.

not present in Hong Kong, and this suggests they are equally, if not more profoundly, absent in the rest of China. This is an important insight for theorists inclined to prognosticate as to the democratizing power of social media, particularly with respect to China.

All of this conveys a very clear message: the simple presence of protests and an effective use of social media is no guarantee of political transformation. Indeed, Hong Kong's "Umbrella Revolution" tells us a great deal about the limits of social media. With all the technological and legal advantages afforded the tens of thousands who flooded the streets of Hong Kong in protest, ultimately, their momentum could not be sustained. The failure of the Hong Kong protests demonstrates that Internet technology is not a technological blueprint for social change that can simply be grafted onto a society irrespective of that culture's socioeconomic, political, and historical characteristics. Clearly, vital elements were missing in the case of the Hong Kong protests. The failure of Hong Kong's "Umbrella Revolution" suggests that the ability of social media to produce civil unrest within China is limited.

*C. Common Assumptions about the Political Implications  
of the Internet in China Are Inaccurate*

Of course, it may be argued that the Chinese people are laboring under a different set of social conditions than that of Hong Kong and, as such, the comparison is unfair. Yet what the Hong Kong protests offer is our best laboratory test to date for what might happen in the rest of China. Many of the aspects of Hong Kong society that may be pointed to as different than that of China in fact make it more likely that the protests should have ignited greater political dissent. For instance, Hong Kong has a long history of political demonstrations and strikes.<sup>151</sup> Chaotic, often violent protests periodically erupted under British rule—in 1956,

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<sup>151</sup> See generally Tai-lok Lui & Stephen W.K. Chiu, *Social Movements and Public Discourse on Politics*, in HONG KONG'S HISTORY: STATE AND SOCIETY UNDER COLONIAL RULE 101 (Tak-Wing Ngo ed., 2002).

1966, 1967, and 1981.<sup>152</sup> Given Hong Kong's history of public protest against British colonial rule, the people of Hong Kong are not unfamiliar with large-scale political demonstrations.<sup>153</sup> The "Umbrella Revolution," however, could not gain broader support and eventually dissolved. It is unlikely therefore that similar protests would gain momentum in mainland China, especially as the conditions there make public demonstrations more challenging. In its broad strokes, the Hong Kong protests represent the best case study we have had up to now to assess the impact of social media on political protest in Chinese society.

In the early years of the 21<sup>st</sup> century, theorists argued that the Internet was destined to transform Chinese society in that the technology allowed for the active engagement of netizens strongly involved in the dissemination and production of information—"a domain that used to be monopolized by the state-controlled conventional media channels."<sup>154</sup> A strong civil society exposed to this brand new information environment and empowered by newfound possibilities would, the argument went, produce powerful pressure for political change.<sup>155</sup> The Internet was supposed to generate a body of autonomous voices, a steady cohort of opinion leaders who would regularly contribute to online debates and deliberations and, ultimately, transform the medium into a hotbed of collective action for opposition movements. In the minds of these theorists, the technology would bring fresh new elements to the art of protest.<sup>156</sup> Yet these prognostications seemed to have gotten it wrong—very wrong. As one China scholar notes, "[g]eneral Western assumptions about the political implications of the Internet in China are not borne out by the political realities."<sup>157</sup> Internet technology, it seems, is no guarantee of online political

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<sup>152</sup> See JOHN M. CARROLL, *A CONCISE HISTORY OF HONG KONG* 146, 149–52 (2007); LAM WAI-MAN, *UNDERSTANDING THE POLITICAL CULTURE OF HONG KONG* 233–36 (2004).

<sup>153</sup> WAI-MAN, *supra* note 152, at 233–36 (discussing political activism in Hong Kong).

<sup>154</sup> ZIXUE TAI, *THE INTERNET IN CHINA: CYBERSPACE AND CIVIL SOCIETY* 290 (2006).

<sup>155</sup> *Id.* at 188.

<sup>156</sup> *Id.* at 187–88.

<sup>157</sup> JIANG, *supra* note 6, at 95.

activism; this ultimately rests upon the existence of an energized populace willing to agitate forcefully for change. As the Umbrella Revolution in Hong Kong demonstrates, widespread political engagement is not substantially present in China.

## CONCLUSION

Despite the unique nature of the Internet, the idea that democratization is an inevitability of its widespread use is erroneous and does not apply to the case of China in particular. While social media undoubtedly offers a tremendous multidirectional flow of information and harbors extraordinary potential for free expression, it would be naïve to suppose that this technical feature ensures the breaking down of information hierarchies and monopolies or that it is somehow a shortcut to political transformation. The Internet may provide a forum for political discussion, but collective mobilization requires a politically engaged population. There is currently little indication that this is the case with respect to China. Indeed, the Chinese government has proven itself adept at nurturing a technology-savvy populace while pacifying the politically destabilizing potential of the technology. The failure of the Hong Kong protests to spark wider unrest in the remainder of China—or even among the greater Hong Kong population—supports the assertion that the political power of Internet technology has been overstated, particularly in the case of China. China is not the political tinderbox many observers believe it to be. The majority of China's netizens appear largely politically disengaged.

However, while China has mastered the art of 'Jell-O-nailing,' any assessment in this regard is premised on the fact that China will not experience any major social disruptions that may upset this political disengagement. Should, for example, China's economy—now the second largest in the world and on track to becoming the largest<sup>158</sup>—dramatically falter or should some unforeseen incident

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<sup>158</sup> Keith Bradsher, *In China, Heavy Industry Unexpectedly Falls Sharply*, N.Y. TIMES (Feb. 9, 2015), [http://www.nytimes.com/2015/02/10/business/international/in-chinaheavy-industry-unexpectedly-falls-sharply.html?\\_r=0](http://www.nytimes.com/2015/02/10/business/international/in-chinaheavy-industry-unexpectedly-falls-sharply.html?_r=0); Ben Carter, *Is China's Economy Really the Largest in the World?*, BBC NEWS (Dec. 16, 2014), <http://www.bbc.com/news/magazine-30483762>.

trigger significant political commotion, the Internet will likely be the avenue through which dissent gains momentum. There is no doubt that a vibrant online civil society could test the boundaries of permissibility and forcefully renegotiate the limits of toleration. For the time being, however, the potential of Internet technology to ignite civil unrest within China remains, it would seem, profoundly muted.